



Department of Defense
DIRECTIVE

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February 10, 1988
NUMBER 1400.33

ASD(FM&P)

SUBJECT: Employment and Volunteer Work of Spouses of Military Personnel

- References:**
- (a) Public Law 100-180, National Defense Authorization Act for Fiscal Years 1988 and 1989, section 637, December 4, 1987
 - (b) Secretary of Defense Memorandum for Secretaries of the Military Departments, "Employment of Spouses of Members of the Armed Forces," October 22, 1987 (hereby canceled)
 - (c) Secretary of Defense Memorandum for Secretaries of the Military Departments, "Employment of Spouses of Members of the Armed Forces," December 30, 1987 (hereby canceled)
 - (d) DoD Instruction 1342.12, "Education of Handicapped Children in the DoD Dependents Schools," December 17, 1981
 - (e) Public Law 94-142, "Education for All Handicapped Children Act of 1975," as amended (Title 20, United States Code, sections 1401, et seq.)
 - (f) Title 10, United States Code, chapter 47, Uniform Code of Military Justice

A. PURPOSE

This Directive implements reference (a) and reissues references (b) and (c).

B. APPLICABILITY

This Directive applies to the Office of the Secretary of Defense (OSD), the Military Departments (including their National Guard and Reserve components), the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to as "DoD Components").

C. DEFINITIONS

1. "Spouse" refers to the husband or wife of a military member, if such spouse is not also a military member.
2. "Military Services," as used herein, refers to the Army, Navy, Air Force, Marine Corps, and Coast Guard (when operating as a part of the Navy).
3. "DoD official" refers to any commander, supervisor, or other military or civilian official of a DoD Component.
4. "Marital status" refers to married, single, divorced, widowed, or separated.

DISTRIBUTION STATEMENT A

Approved for public release;

distribution is unlimited.

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D. POLICY

1. No DoD official shall, directly or indirectly, impede or otherwise interfere with the right of a spouse of a military member to pursue and hold a job, attend school, or perform volunteer services on or off a military installation. Moreover, no DoD official shall use the preferences or requirements of a DoD Component to influence, or attempt to influence, the employment, educational, or volunteer service decisions of a spouse. Neither such decision of a spouse, nor the marital status of the member, shall affect, favorably or adversely, the performance appraisals or assignment and promotion opportunities of the member, subject to the clarification in paragraph D.2.b., below.

2. In furtherance of this policy:

a. In discharging their responsibilities, members of military promotion, continuation, and similar personnel selection boards are prohibited from considering the marital status of a military member, or the employment, educational, or volunteer service activities of a member's spouse.

b. Personnel decisions, including those related to the assignments of military members, shall not be affected, favorably or adversely, by the employment, educational, or volunteer service activities of a member's spouse, or solely by reason of a member's marital status, subject to the following clarification:

(1) When necessary to ameliorate the personal hardship of a member or spouse upon the request of the member concerned, such as when a family member requires specialized medical treatment, educational provisions under references (d) and (e), or similar personal preference accommodations.

(2) To facilitate the assignment of dual-career military married couples to the same geographic area.

(3) When otherwise required by law, such as instances in which a prohibited conflict of interest may exist between the official duties of a military member and the employment of the member's spouse.

(4) When the Assistant Secretary of Defense (Force Management and Personnel), with the concurrence of the General Counsel, determines, on a case-by-case basis, for reasons of national security, that marital status is an essential assignment qualification for particular military billets or positions.

c. Performance appraisals on members of the Military Services, including officer and enlisted efficiency or fitness reports, shall not contain any information regarding the employment, educational, or volunteer service activities of the member's spouse, or reflect favorably or adversely on the member based solely on the member's marital status.

E. RESPONSIBILITIES

1. The Secretaries of the Military Departments and the Heads of other DoD Components shall ensure compliance with this Directive.

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2. The Secretaries of the Military Departments shall issue regulations, enforceable under the Uniform Code of Military Justice (UCMJ) (reference (f)), and appropriate regulations or other guidance applicable to civilian personnel, implementing this Directive.

3. The Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)) shall monitor compliance with this Directive.

F. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. The Secretaries of the Military Departments shall forward two copies of implementing documents to the Assistant Secretary of Defense (Force Management and Personnel) within 60 days.

William H. Taft IV

William H. Taft, IV
Deputy Secretary of Defense

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